S.B. Civil Writ petition No.1968/1993

Date of Order : 01/02/2005

HON'BLE MR.JUSTICE RAJESH BALIA

Mr. K.C. Sharma, for the petitioner.
Mr. B.L. Bhati, for the respondents.

This petition was filed on 16.3.1993 alleging that the petitioner has been appointed as Sahayak Sachiv in Gram Panchayat, Jhedasar, Tehsil Rawatsar on 1.4.1979. It has been submitted that in the first instance, he was continued in service from 1.4.1979 to 31.12.1981 and thereafter, he has been appointed as Sahayak Sachiv, Gram Panchayat Hardaswali with effect from 1.9.1982 and since then, he has continued on the post without interruption, though the orders have been issued from time to time for separate periods. On this premise, the relief has been claimed by the petitioner that the petitioner may be confirmed as Sahayak Sachiv of Gram Panchayat with effect from 1982 and may be given regular pay scale and admissible benefits from that date with 12% interest of arrears.

The respondents have not filed any reply to these allegations. It is contended that the petitioner does not hold the eligible qualification for the post of Sahayak Sachiv for which the requisite information is not available on record, what is the exact

qualification required for Sahayak Sachiv/Fatak clerk. In the absence of reply, it has to be accepted that the petitioner was working as Sahayak Sachiv of Gram Panchayat, Hardaswali atleast continuously for 10 years as on the date the writ petition was filed. It is also not known that the petitioner still continuing in service.

In the absence of reply and keeping in view the averments made in the petition, I deem it just and proper to dispose of the writ petition with direction to the respondents that if the petitioner is still continuing in service, his case may be considered for regularisation on the post commensurating with his qualification as may be available in the Gram Panchayat keeping in view the principles laid down by the Hon'ble Supreme Court in the case of State of Haryana Vs. Piara Singh reported in AIR 1992 SC 2130 and a reasoned order be passed on the representation, which may be submitted by the petitioner in this regard within two months.

[Rajesh Balia],J.

Pd.